IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1040 of 2004, WRIT PETITION No. 27353 of 2003 & WRIT PETITION No. 27154 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 27/02/2004 in WP NO : 27194 OF 2003 on the file of the High Court.)

Between:

M/s.ITW Signode India Ltd., rep., by its Group Head (HR) R.Durga Prasad,
3rd Floor, Merchant Towers, Road No.4, Banjara Hills, Hyderabad.

..... APPELLANT

AND

1 R.Chittibabu, s/o V.D.Satyanarayana,
r/o 5-12-11, Mangapuram Colony, Moulali, Hyderabad.
2 Labour Court-I, Andhra Pradesh, Hyderabad
rep., by its Presiding Officer.

.....RESPONDENTS

Counsel for the Appellant: MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.1 : MR.B.G.RAVINDRA REDDY

Counsel for the Respondent No.2: G.P.for Labour.

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WRIT PETITION NO : 27353 of 2003

Between:

M/s.ITW Signode India Ltd., rep. by its Group Head (HR), R.Durga Prasad, 3rd Floor, Merchant Towers, Road No.4, Banjara Hills, Hyderabad.

..... PETITIONER

AND

1 Sri V.Madhava Rao, S/o.Athaiah, R/o.Plot No.96, L.B. Nagar, Balanagar, Hyderabad.
2 Labour Court-I, Andhra Pradesh, Hyderabad, rep. by its Presiding Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mnadamus or any other appropriate Writ or Writs or Direction/s declaring the order of the 2nd respondent in I.D.No.95/2001 dt. 1-8-2003 as illegal, arbitrary and bad in law and be pleased to pass such other order/s.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondent No.: GP FOR LABOUR

WRIT PETITION NO : 27154 of 2003

Between:

Saripudi Nageswara Rao, S/o. Nandaiah,
R/o. Vishnu Towers, 4th line, Pandaripuram, Guntur - 522 002.

..... PETITIONER

AND

1 The Principal Secretary, Ministry of law,
Government of Andhra Pradesh, Secretariate, Hyderabad.
2 The Direction of Prosecutions, Andhra Pradesh,
DGP Office, Lakadi Ka Pool, Hyderabad.
3 The District Collector,
Guntur District, Guntur.
4 The Sr.Asst.Public Prosecutor (Admn),
Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent authorities in not paying the arrears to the petitioner as illegal, arbitrary.

Counsel for the Petitioner: MR.NARESH BYRAPANENI

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

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COMMON ORDER: (Per the Honourable Smt. Justice T.Meenakumari)

This writ appeal is filed by the writ petitioner-appellant herein aggrieved by the order in W.P.M.P.No:34452 of 2003 and W.V.M.P.No:507 of 2004 in W.P.No:27194 of 2003, under which the learned single Judge while disposing of the above M.Ps., passed the following order:

> *"In view of the law declared by the Supreme Court in the COOPER ENGINEERING LIMITED VS. P.P.MUNDHE (), normally this Court would not entertain this writ petition. The order of the Labour Court, which has been impugned in the writ petition, merely disposes of an interlocutory step in the dispute. I see no warrant to depart from the normal principle in this case. Accordingly, the order of this Court dated 5.1.2004 is vacated. This application is allowed. The Labour Court shall proceed with the I.D. in accordance with law,"*

Which is impugned in the present appeal.

Both the learned counsel have agreed to dispose of the writ appeal and well as the above writ petitions.

Since the issue involved is one and the same in both the writ petitions, the above matters are disposed of by common order.

Heard the learned counsel on either side.

We have perused the order of the Labour Court. The Labour Court having observed that it indicates the petitioner was not given sufficient opportunity during the course of enquiry and a detailed enquiry has to be conducted in Court with reference to the charges leveled against the petitioner, held the domestic enquiry as invalid. Aggrieved by the same, both the writ petitions are preferred by the Management.

The main grievance of the management-appellant is that the order passed by the Labour Court, is passed without any reasoning and without any merits and apart from that, the same is passed without any notice to the appellant and therefore, the

order is liable to be set aside.

A perusal of the order of the Labour Court goes to show that without going into the merits of the case and without issuing any notice, the said order has been passed.

In this view of the matter, without expressing any opinion on the merits of the case, we are of the opinion that it is a fit case wherein the matter may be remitted back to the Labour Court for fresh consideration.

Accordingly, the writ appeal and both the writ petitions are disposed of. The order of the Labour Court in both the writ petitions, is set aside and the matter is remitted back to the Labour Court for fresh consideration. The Labour Court is directed to afford an opportunity to both the parties and dispose of the I.Ds. in accordance with law, being uninfluenced by the findings of this Court, if any, within a period of three months from the date of receipt of copy of this order. It is made clear that both the parties are at liberty to adduce evidence, if they chose.

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Justice T.Meenakumari

6th December, 2004

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justice S.Ananda Reddy

Gurc.

To

1. The Presiding Officer, Labour Court-1, A.P. Hyderabad.
2. Two CCs to the Government Pleader for Labour, High Court of A.P.,Hyderabad.(OUT)
3. Two CD copies.
4. The Principal Secretary, Ministry of Law, Govt.of A.P.Secretariate, Hyderabad.
5. The Director of Prosecutions, A.P., D.G.P. Office, Lakadikapul, Hyderabad.
6. The District Collector, Guntur District, Guntur.
7. The Senior Assistant Public Prosecutor (Admn.) Guntur.

HONOURABLE SMT. JUSTICE T.MEENAKUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.No:1040 of 2004

&

W.P.NO:27194 OF 2003

&

W.P.NO:27353 OF 2003

(Common order pronounced by Smt.Justice T.Meenakumari)

6th December, 2004

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HONOURABLE SRI JUSTICE S.ANANDA REDDY

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Justice T.Meenakumari

6th December, 2004

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justice S.Ananda Reddy

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